

EXHIBIT C

PERCARIO, NITTI & STRUBEN
1514 E. St. George Avenue
Linden, New Jersey 07036
(908) 925-9111
N.J. ATTORNEY ID NO: 029991994
Attorney for Plaintiff(s)

ORLANDO PEREZ,

Plaintiff(s)

v.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: UNION COUNTY

DOCKET NO.: UNN-L-2125-17

CIVIL ACTION

PENSKE TRUCK LEASING, MAURICE A.
SMITH, HOME DEPOT, EDWARD KING,
RASHON WHITE, JOHN DOE 1-5, and
ABC CORP. 1-5 (names being
fictitious as true identities are
unknown at this time)

AMENDED COMPLAINT AND
DEMAND FOR PRODUCTION OF
DOCUMENTS

Defendant(s)

The plaintiff, Orlando Perez, residing at 824 Hussa
Street, Linden, New Jersey, complaining of the
defendants, and each of them, alleges and says:

FIRST COUNT

1. On or about October 27, 2015, the plaintiff,
Orlando Perez, was a lawful operator of a motor vehicle
travelling in an easterly direction on Elizabeth Avenue
at or near its intersection with Park Avenue in Linden,
New Jersey

2. At the time and place aforesaid, defendant,
Penske Truck Leasing, were the owners of a commercial

vehicle which was negligently operated by their agent, servant and/or employee defendant, Maurice A. Smith, in an easterly direction on Elizabeth Avenue at the aforesaid location, as a result of which defendant, Maurice A. Smith, negligently struck and collided with the rear of the plaintiff's vehicle.

3. At the time and place aforesaid, defendants John Doe 1-5 and ABC Corp 1-5 (names being fictitious as true identities are unknown at this time) contributed to the happening of the subject accident.

4. As a direct and proximate result of the negligence of the defendants, and each of them, the plaintiff sustained severe personal injuries, has and will suffer pain, has and will incur medical expenses and has and will be unable to engage in his usual occupation and activities, all to his damage.

WHEREFORE, the plaintiff, Orlando Perez, demands judgment against defendants, and each of them, for damages, interest and costs of suit.

SECOND COUNT

1. The allegations of the First Count are repeated and incorporated herein as if set forth at length.

2. At the time and place aforesaid, defendant, Home Depot, were the owners of a commercial vehicle which was negligently rented to agent, servant and/or employee defendants, Edward King and Rashon White.

3. At the time and place aforesaid, defendants John Doe 1-5 and ABC Corp 1-5 (names being fictitious as true identities are unknown at this time) contributed to the happening of the subject accident.

4. As a direct and proximate result of the negligence of the defendants, and each of them, the plaintiff sustained severe personal injuries, has and will suffer pain, has and will incur medical expenses and has and will be unable to engage in his usual occupation and activities, all to his damage.

WHEREFORE, the plaintiff, Orlando Perez, demands judgment against defendants, and each of them, for damages, interest and costs of suit.

JURY DEMAND

The Plaintiff herein demands trial by jury as to all issues of the within complaint.

TRIAL COUNSEL DESIGNATION

Pursuant to R. 4:25-4, MICHAEL A. PERCARIO, ESQ. has been designated as trial counsel in the within matter.

Dated: 11/3/17

PERCARIO, NITTI & STRUBEN
By: MICHAEL A. PERCARIO,
Attorney for plaintiff(s)

CERTIFICATION

The undersigned certifies and says he is an attorney at law of the State of New Jersey and is attorney for plaintiff in the within matter. The within matter is not the subject of any other litigation or arbitration proceeding.

Dated: 11/3/17

PERCARIO, NITTI & STRUBEN
By: MICHAEL A. PERCARIO,
Attorney for plaintiff(s)

DEMAND FOR PRODUCTION OF DOCUMENTS

Pursuant to R. 4:18-1, the plaintiff hereby demands that the defendant produce the following documentation within thirty (30) days as prescribed by Rules of Court. Additionally, Please be advised that the following requested are continuing and ongoing in nature and the defendant is therefore required to continuously update its response thereto as new information or documentation.

1. The amounts of any and all insurance coverage covering the defendant, including but not limited to, primary insurance policies, secondary insurance policies and/or umbrella insurance policies. For each such policy of insurance, supply a copy of the declaration page therefrom.

2. Copies of any and all documentation or reports, including but not limited to, police reports, accident reports and/or incident reports concerning the happening of the incident in question or any subsequent investigation of same.

3. Copies or duplicates of any and all photographs, motion pictures, videotapes, films, drawings, diagrams, sketches or other reproductions, descriptions, or accounts

concerning the individuals involved in the incident in question, the property damage sustained, the accident scene of anything else relevant to the incident in question.

4. Copies of any and all signed or unsigned statements, documents, communications, and/or transmissions, whether in writing, made orally or otherwise recorded by any mechanical or electronic means, made by any party to this action, any witness, or any other individual, businesses, corporation, investigative authority or other entity concerning anything relevant to the incident in question.

5. Copies of any and all documentation, including but not limited to, and contracts between the owner of the property or product involved in the incident in question and any of the parties involved.

6. Copies of any and all contracts between any of the parties involved in the incident in question

7. Copies of any and all documentation concerning any lease agreements between the lessor (s) and the lessee(s) concerning the incident in question.

8. Copies of any and all documentation, including but not limited to, safety manuals, statutes, rules, regulations, books and/or industry standards which refer to, reflect or otherwise relate to the incident in

question or any potential defense to the action in question.

9. Copies of any and all permits applied for by the parties to the action in question concerning either the product in question, the accident scene, or anything else relevant to the happening of the accident in question.

10. Copies of any and all permits received by the parties to the action in question concerning either the product in question, the accident scene, or anything else relevant to the happening of the accident in question.

11. Copies of any and all discovery received from any other parties to the action in question.

12. Copies of any and all reports of the plaintiff received by the defendants, or any other party to this suit, from either the Central Index Bureau (C.I.B.) or from any other source.

13. Copies of any and all reports and/or other investigations performed by O.S.H.A. or any other investigative authority.

14. Copies of any and all medical information and/or documentation concerning the plaintiff in this matter whether it concerns any medical condition or treatment which took place before, during or after the time of the incident in question.

15. Copies of any and all records of any type subpoenaed by the defendant or received from any other source concerning the plaintiff or the incident in question.

16. A list of employees present at the job site or accident site their names, addresses and job titles.

17. The reports of any and all medical experts who have reviewed and/or performed any examinations in regard to any aspect of this case on behalf of defendant or defendant's attorney and who have submitted either oral or written report to defendant or defendant's attorney. In event a report was oral; provide a complete summary of said report.

18. If any motor vehicle violations/summons or any other summons or complaint was issued in connection with this accident or incident, provide copies of any Municipal Court plea dispositions or transcripts relating thereto.

19. Copies of any drawings or diagrams of the accident scene.

20. Complete and legible copies of all complaints (lawsuits) filed against these defendants within five years prior to the incident which gives rise to this action, which complaints alleged negligent maintenance of this defendant's premises.

21. Any and all electronic media documents, links, sites, or entries relating to any party or witness in the subject matter that counsel intends to rely upon and use for deposition or trial.

Please be advised that plaintiff hereby objects to the taking of any photographs, x-rays, or other reproductions concerning the plaintiff or the plaintiff's injuries at the time of the defense examination.

Dated: 11/3/17

By:

PERCARIO, NITTI & STRUBEN
MICHAEL A. PERCARIO,
Attorney for plaintiff(s)